

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00063

DONTE SALLEY

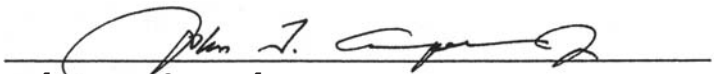
MEMORANDUM OPINION AND ORDER

Pending is defendant's motion to modify sentence, filed January 9, 2012, pursuant to 18 U.S.C. § 3582(c)(2). The motion to modify sentence is based upon the November 1, 2011, amendment to U.S.S.G. § 2D1.1.

On November 18, 2011, the court, pursuant to the defendant's motion filed November 21, 2011, entered an order reducing defendant's sentence from 108 months to 70 months which accorded defendant the full benefit of the retroactive section 2D1.1 amendment. The court, accordingly, ORDERS that defendant's motion to modify sentence filed January 9, 2012, be, and it hereby is, denied as moot.

The Clerk is DIRECTED to send a copy of this order to the defendant, the United States Attorney, and the United States Probation Office.

ENTER: March 16, 2012


John T. Copenhaver, Jr.
United States District Judge